

**Minutes of the
Bountiful City Council Meeting
City Council Chambers
October 28, 2008 - 7:00 p.m.**

Present:	Mayor:	Joe L. Johnson
	Council Members	Beth Holbrook, John Marc Knight, R. Fred Moss, Scott Myers and Thomas Tolman
	City Manager	Tom Hardy
	City Prosecutor:	J. C. Ynchausti
	City Engineer	Paul Rowland
	Admin. Services Director:	Galen Rasmussen
	Planning Director	Aric Jensen
	Department Representative:	Allen Johnson, Power
		Tom Ross, Police
	Recording Secretary	Nancy Lawrence
Excused:	City Attorney	Russell Mahan

Official Notice of this meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.

Mayor Johnson called the meeting to order at 7:00 p.m, following which Mason Flint, visiting Boy Scout, led the pledge of allegiance to the flag. The prayer/thought was offered by Councilwoman Holbrook.

APPROVAL OF MINUTES

Minutes of the City Council meeting held October 14, 2008 will be presented for approval at the next regular meeting.

EXPENDITURES AND EXPENSES APPROVED

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the following periods, with respective totals: October 2 - 8, 2008 (\$522,557.11); October 9 - 15, 2008 (\$497,284.86) and the Summary for September, 2008 (\$5,191,468.10). The staff responded to questions, following which the three reports were unanimously approved on a motion made by Councilman Knight and seconded by Councilman Myers. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

YOUTH COUNCIL REPORT

Breanne Brinkerhoff, Web Master for the Youth Council, was in attendance and reported on recent and upcoming Youth Council activities. She reviewed that the Youth Council is participating in a state-wide Youth Service Marathon which will consist of 26 projects, and conclude with a culminating activity in April. A new member to the Youth Council ("Rupert") was in attendance to advertise the upcoming Pumpkin Patch which will be held at North Canyon Park on October 30, 2008.

1 **REPORT ON MOSQUITO ABATEMENT DISTRICT**

2 Duane Gardner and Gary Hatch, representatives on the Mosquito Abatement Board, were
3 in attendance and reported on abatement activities performed this past summer season. Mr.
4 Hatch, District Manager, said that of the ten different breeds of mosquitoes in this area which are
5 followed by the District, only two species carry the West Nile Virus (WNV), a disease which
6 occurs in birds and can be transmitted to humans and other animals via the mosquito. He
7 explained how the virus is spread and symptoms of the disease.
8

9 Sentinel chickens are used for surveillance in Davis County. Other mitigating measures
10 are treatment of catch basins and spraying. He said that the new subdivisions nearer the Great
11 Salt Lake have presented a challenge because this area is the natural habitat of the mosquitoes.
12 In addition to the PowerPoint presentation, Mr. Hatch presented Mayor Johnson with a 15-
13 minute video regarding vaccines for horses to combat the WNV. Mayor Johnson thanked Mr.
14 Gardner and Mr. Hatch for their report and the work which is done by the Mosquito Abatement
15 District.
16

17 **BIDS APPROVED FOR POWER DEPARTMENT**

18 **Transformers.** Mr. Johnson reported that bids were requested for six (6) 50 KVA pad
19 mounted transformers to place into inventory. Two vendors responded within the bid deadline.
20 (One other bid was received late and was not considered). It is the recommendation of staff and
21 the Power Commission to award the bid to low bidder, Northern Power Equipment/Ermco, at a
22 total cost of \$13,110.00. The transformers were evaluated on their efficiency or total ownership
23 costs (TOC). Councilman Moss motioned to accept the bid as recommended. Councilman
24 Tolman seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight,
25 Moss, Myers and Tolman voted "aye".
26

27 **1/0 Triplex 15 KV Cable.** Mr. Johnson reported that 1/0 triplex 15KV underground high
28 voltage cable is needed to replenish inventory for upcoming jobs and/or emergency situations.
29 Bids were requested and received from two vendors. It is the recommendation of staff and the
30 Power Commission to award the bid to low bidder, Codale Electric, Inc. in the amount of
31 \$14,500.20. Councilman Moss made a motion to award the bid to Codale, as recommended.
32 Councilwoman Holbrook seconded the motion and voting was unanimous. Councilpersons
33 Holbrook, Knight, Moss, Myers and Tolman voted "aye".
34

35 **750 MCM Triplex 15KV Cable.** Mr. Johnson said that 750 MCM Triplex 15 KV
36 underground cable is also needed to replenish inventory and for upcoming jobs. Bids were
37 requested and two vendors responded. It is the recommendation of staff and the Power
38 Commission to award the bid to Codale Electric in the amount of \$12,889.50. Councilman Moss
39 motioned to award the bid as recommended, Councilwoman Holbrook seconded the motion and
40 voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted
41 "aye".
42

43 **RELEASE OF EASEMENT APPROVED FOR 2077 SO 1150 EAST**

44 Mr. Rowland reported that Art Miller has presented a request to the City for a lot line
45 adjustment to accommodate construction of a swimming pool on the vacant lot east of their

1 home. They have been to the Administrative Committee and all utilities have reviewed the
2 request and find no compelling need to keep the lot lines and easements intact. It is the
3 recommendation of staff to grant the release of easement at 2077 South 1150 East and 2104
4 South 1200 East. Based on this recommendation, Councilman Knight motioned to approve the
5 release of easement. Councilwoman Holbrook seconded the motion and voting was unanimous.
6 Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".
7

8 **PUBLIC HEARING TO CONSIDER ORD. NO. 2008-9**
9 **RE: CHANGING A CONDO TO A PUD (386 W 400 N)**

10 Mr. Rowland reported that Liberty Court Condominium Association is requesting that
11 this condominium be changed to a planned unit development (PUD). This request is in response
12 to changes in the banking industry which have affected funding for condos and PUD's. A public
13 hearing is required as the change is accomplished via adoption of an ordinance.
14

15 At 7:47 p.m., Mayor Johnson opened the public hearing to consider this change. There
16 were no comments and the hearing was closed. Mr. Rowland then presented Ordinance No.
17 2008-9 entitled, AN ORDINANCE VACATING THE LIBERTY COURT CONDOMINIUMS SUBDIVISION IN
18 BOUNTIFUL, DAVIS COUNTY, UTAH, AND RELEASING THE EASEMENTS THEREON, FOR THE
19 PURPOSE OF BEING INCORPORATED INTO THE NEW LIBERTY COURT TOWNHOMES PLANNED UNIT
20 DEVELOPMENT SUBDIVISION, and recommended that it be adopted. Councilman Myers made a
21 motion to adopt Ord. No. 2008-9. Councilwoman Holbrook seconded the motion and voting was
22 unanimous with Councilpersons Holbrook, Knight, Moss, Myers and Tolman voting "aye".
23

24 Mr. Rowland presented the request of Liberty Court PUD for preliminary and final
25 approval of the subdivision plat, subject to the following conditions:

- 26 1) Submit a current title report.
27 2) Make minor changes to the plat per red lines.
28

29 Councilman Myers motioned to grant preliminary and final approval, as recommended.
30 Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holbrook,
31 Knight, Moss, Myers and Tolman voted "aye".
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33 **PUBLIC HEARING TO CONSIDER ORD. NO. 2008-10**
34 **RE: LAND USE TEXT AMENDMENTS**

35 Mr. Jensen explained that he tries to re-look at the Code every six months to update or
36 make any necessary housekeeping changes. Proposed changes are reviewed by staff and the
37 Planning Commission and then presented to the Council for consideration. He presented
38 Ordinance No. 2008-10 entitled AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE 14,
39 THE BOUNTIFUL CITY LAND USE ORDINANCE and summarized the following areas of proposed
40 change:

- 41 1) Administrative Procedure Amendments: Clarification of when an appeal process
42 starts and when a petitioner can re-file an application.
43 2) Multi-family Zone: Add a new subzone, RM-7, to fill in the gap between the R-4 and
44 RM-13.
45

- 3) PO-N zone Refinement: Includes business signs, low impact uses, and the size and scale of buildings.
- 4) Property Consolidation: Relating to two or more adjacent parcels where the owner decides to build across them.
- 5) Commercial Subdivision: Allowing fully improved private easements to satisfy frontage requirements when subdividing commercial developments.
- 6) Miscellaneous Cross-reference Correction: Several old code references that need to be updated.

Mr. Jensen responded to Council questions and indicated that it is the recommendation of staff and the Planning Commission that these changes be adopted.

At 8:08 p.m. Mayor Johnson opened the public hearing to consider the proposed ordinance. There were no comments and the hearing was closed. Councilwoman Holbrook made a motion to adopt Ordinance No. 2008-10. Discussion continued regarding the size and placement of business signs (on the building). Councilman Moss recommended that the text specifically state that these signs should be on the side of the building, below the roof line. Councilwoman Holbrook amended her motion to include that criteria. Councilman Knight seconded the motion, as amended, and voting was unanimous in the affirmative. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

PUBLIC HEARING TO CONSIDER ORD. NO. 2008-11
AMENDING ZONE MAP FROM RM-13 TO PO-N (251 AND 259 E 500 S)

Mr. Jensen first clarified the address of the subject property (originally designated under the County addressing system). He then explained the request of Steve Akerlow, representing Newport Enterprises, Inc., for this property to be used as a professional office for an optometrist, subject to it being zoned PO-N. Ordinance No. 2008-10, just adopted, provides for this use in the PO-N zone and it is the recommendation of staff and the Planning Commission to amend the zone map, changing the property at 251 and 259 East on 500 South from RM-13 to PO-N.

At 8:19 p.m. Mayor Johnson opened the public hearing to consider Ordinance No. 2008-11 entitled AN ORDINANCE AMENDING THE BOUNTIFUL CITY ZONING MAP TO CHANGE THE ZONE DESIGNATION OF THE PROPERTIES LOCATED AT 251 EAST 500 SOUTH, BOUNTIFUL, UTAH, FROM RM-13 (RESIDENTIAL MULTI-FAMILY) TO PO-N (PROFESSIONAL OFFICE - NEIGHBORHOOD). Mont Mickelsen (560 Brentwood Park) asked if this change would be in harmony with the Master Plan, and he expressed concern that there are already enough spaces for professional offices in the City. Dave Brynn (435 S 200 E) stated that he attended the Planning Commission hearing and was originally against the change; however, he said that the more he has looked at it, the more he feels the professional use is correct. Mr. Jensen also noted that he had received a letter regarding this proposal from Nelson Barlow (266 East 300 South). There were no other comments and the hearing was closed at 8:24 p.m.

The Council discussed the issue of whether or not the developer would be held to the proposed use (optometrist) or whether other types of professional services could be provided from that location. Judie Kinghorn, owner of neighboring property—487 South 300 East—

1 expressed her concerns about traffic and parking, dependent on the specific use of the property.
2 The discussion re-focused on the best use of the property as it relates to the neighborhood and the
3 issues associated with RM-13, particularly parking and traffic. Councilwoman Holbrook stated
4 that with strict adherence to architectural design on this zone, the proposed change will enable
5 the City to maintain control and present an opportunity to develop property in a reasonable way.
6 She motioned to adopt the ordinance and amend the zone map. Councilman Myers seconded the
7 motion which carried by a majority. Councilman Moss abstained and Councilpersons Holbrook,
8 Knight, Myers and Tolman voted "aye".
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10 **COUNCIL COMMITTEE REPORTS**

11 In response to a question from a citizen and brought to his attention by a councilmember,
12 Mr. Hardy reported that the strobe light on the tower of the police station is an FCC rule to meet
13 FAA requirements for towers erected after 1996. He said that he will follow-up with the citizen.
14

15 The meeting adjourned at 8:56 p.m. on a motion made by Councilman Tolman and
16 seconded by Councilwoman Holbrook. Voting was unanimous with Councilpersons Holbrook,
17 Knight, Moss, Myers and Tolman voting "aye".
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22 _____
23 JOE L. JOHNSON, Mayor
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27 KIM J. COLEMAN, City Recorder
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